



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department of Education
<b>Virginia Administrative Code (VAC) citation</b>	<u>8</u> VAC <u>20-541-10</u> et seq.
<b>Regulation title</b>	<i>Regulations Governing Approved Programs for Virginia Institutions of Higher Education</i>
<b>Action title</b>	Changes to align recent amendments to the <u>Code of VA</u> and <u>Licensure Regulations for School Personnel</u> with <i>Regulations Governing Approved Programs for Virginia Institutions of Higher Education</i>
<b>Document preparation date</b>	December, 2004

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The *Regulations Governing Approved Programs for Virginia Institutions of Higher Education* is a two-part document providing 20 standards that govern the review of the professional education unit, indicators of achievement of each standard, and a manual of procedures for the implementation of the standards and the review of endorsement programs. The review of endorsement programs centers on the competencies set forth by the licensure regulations. Institutions must provide evidence that demonstrates that the competencies are met. The professional education unit is responsible for the alignment between the licensure competencies and the endorsement programs. The unit is the school, college, department, or other administrative body within the institution that has primary responsibility for the coordination of all programs that prepare teachers and other professional personnel. It is the intention of the Division of Teacher Education and Licensure to make any needed revisions to the procedures as the review process is implemented and participating individuals and organizations provide feedback.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly*

chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

According to the *Code of Virginia*, the Board of Education prescribes the requirements for the licensure of teachers and establishes other requirements regarding teacher preparation and licensure. The following excerpts from the *Code* establish the legal basis for the *Regulations Governing Approved Programs for Virginia Institutions of Higher Education* and their alignment with the *Virginia Licensure Regulations for School Personnel*:

- *...The Board of Education shall, by regulation, prescribe the requirements for licensure of teachers. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education. § 22.1-298.*
- *The 1998 Session of the Virginia General Assembly enacted the following legislation: Persons seeking initial licensure who graduate from a Virginia institution of higher education shall, on or after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institution have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education.*
- *The 2002 Session of the Virginia General Assembly enacted legislation that amended Section 22.1-298 of the Code of Virginia, Regulations governing licensure. As used in this section of the Code and the Board of Education's regulations for the licensure of school personnel, "accredited institution" means an institution of higher education accredited by a national or regional accrediting agency recognized by the United States Department of Education, or by a state approval process.*
- *The Board of Education, in consultation with the State Council of Higher Education, shall develop guidelines for performance reports to be submitted by the public institutions of higher education pursuant to § 23-9.2:3.4. Such reports shall include annual data on the pass rates, by institution, of graduates of Virginia's institutions of higher education taking the state licensure examination and shall not include any information identifying individual graduates.*
- *....The Advisory Board on Teacher Education and Licensure shall advise the Board of Education and submit recommendations on policies applicable to the qualifications, examination, licensure, and regulation of school personnel including revocation, suspension, denial, cancellation, reinstatement, and renewals of licensure, fees for processing applications, standards for the approval of preparation programs, reciprocal approval of preparation programs, and other related matters as the Board of Education may request or that the Advisory Board may deem necessary. The final authority for licensure school personnel shall remain with the Board of Education.*

Department of Education personnel and the deans and directors of approved programs are responsible for full compliance with these regulations. School divisions are responsible for keeping the Department of Education informed about the performance of candidates who have completed the programs that have been approved under these standards. When an individual student completes an approved program and receives the appropriate recommendation from the institution, it is not necessary for the Division of Teacher Education and Licensure to conduct a transcript review to determine that the licensure competencies have been met.

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

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A set of proposals aligning revisions to the *Regulations Governing Approved Programs for Virginia Institutions of Higher Education*, will be presented to the Advisory Board on Teacher Education and Licensure in March of 2005. Revisions will focus on development of procedures to ensure implementation of recommendations generated by the Commission to Review, Study, and Reform Educational Leadership's Task Force to Evaluate and Redesign Preparation Programs and Professional Development for School Leaders. Additionally, implementation procedures will be developed to more clearly align accountability measures for Virginia's 37 approved teacher preparation programs with state and federal requirements.

### Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

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There are no specific alternatives to the proposal. However, a School Leadership Task Force and a Teacher Preparation Task Force have been or will be established to revise the existing regulations and to inform promulgation of the regulations.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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These amendments to the regulations will have a positive impact on the family since they will address the continued assurance of highly qualified teachers and administrators in the Commonwealth of Virginia. The regulation would provide for ensuring rigorous accountability measures designed to increase student achievement.

### Periodic review

*If this NOIRA is not the result of a periodic review of the regulation, please delete this entire section. If this NOIRA is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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